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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,792	02/09/2004	Isamu Suzuki	01-525	3343

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,792

Applicant(s)

SUZUKI, ISAMU

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 2004/0056758) in view of Kimura Kenji (JP 11-312053) (enclosed IDS).

As per claim 1, Schwartz teaches an operation equipment for a vehicle, the equipment includes: a display (last section of para 0035); an electronic control unit 210 (fig.2); a driving device for determining the vehicle moving or stopping (para 0037); the electronic control unit determines that the predetermined function is allowed to perform when the vehicle is detected as stopping (para 0035); the electronic control unit determines that the predetermined function is allowed to performed when it is detected that the passenger does the operation (para 0034). Schwartz does not explicitly disclose including a touch switch with touch sensor in the display and does not teach using a driving sensor for detecting the vehicle moving condition. However, Schwartz suggests using the touch display for entering the user input (para 0035) and the capability of detecting the vehicle moving condition (para 0034; para 0037), using well known sensor such as speed sensor for detecting the moving condition of the vehicle would have been well known. Moreover, Kimura teaches a display with touch switch (para 0010) and touch sensor for detecting an operation of a passenger or a driver (para 0011-0012). It would have

been obvious to a person of ordinary skill in the art at the time the invention was made to replace the display 108 9fig.1) of Schwartz with the touch display of Kimura in order to enhance accuracy in detecting the operator or the passenger pressing on the display and to reduce the extend of equipment installation as motivated by Kimura in para 0006.

As per claim 2, refer to claim 1 above, furthermore, providing a plurality of switches for predetermined function would have been well known.

3. Claims 3-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 2004/0056758) in view of Kimura Kenji (JP 11-312053) and further in view of Boie et al (US 5,847,690).

As per claim 3-7, 9-10, Kimura detects the position of the finger (para 0012). Further, since Kimura teaches detecting if the finger is from the driver or from the passenger of the left side or right side of the screen (para 0015), Kimura obviously encompasses detecting if the hand or the finger is closer to the display based on the known position of the driver or passenger (the left or right hand side of the display) and the point of contact of the finger; moreover, Boie teaches detecting an approach position of a finger (col.4, lines 39-42, lines 64-67; col.5, lines 1-3, lines 17-20). Furthermore, with respect to claims 5-6, Kimura teaches installing the display between the passenger seat and the driver seat (para 0009). Moreover, implementing driver seat on the left or right side of the vehicle, implementing a plurality of switches on the periphery of the display with each having a predetermined function would have been well known and obvious

matter of design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to detect an approach position of a finger in the system of Schwartz in order to provide the capability of detecting the position of the finger when the user does not actually touch the screen of the display.

As per claim 8, Schwartz teaches providing vehicle navigation system (para 0034). Further, using parking brake sensor for detecting driving condition of the vehicle, displaying a map of geography around the vehicle on a navigation unit would have been well known.

As per claim 11-12, refer to claim 4 above. Moreover, since Kimura teaches detecting if the finger is from the driver or from the passenger of the left side or right side of the screen (para 0015) and at the same time detecting the position of the finger (para 0013, 0015), Kimura obviously encompasses teaching detecting the approach position and the touch position simultaneously.

As per claim 13, Kimura teaches a touch sensor including a thin film and current supply (para 0011). Boie also teaches including a thin film and current supplies (col.4, lines 14-20) and the capability of detecting approach position and touch position on the basis of the capacitance of the capacitor (col.4, lines 64-68; col.5, lines 1-35). Moreover, using thin film as capacitor for detecting the movement of hand or finger in a touch panel display would have been well known.

As per claim 16-18, using photo acceptance devices and light emitting devices to detect the hand or finger position based on the reflected light would have been well known.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 2004/0056758) in view of Kimura Kenji (JP 11-312053) and further in view of Boie et al (US 5,847,690) and Philipp (US 2003/0132922).

As per claim 14-15, Boie teaches the capability of distinguishing the touch position from the approach position on the basis of the currents (col.5, lines 4-35). Furthermore, Philipp teaches detecting the position of the hand and finger by recording and the approach position and the finger touch position and recognizing the touch position using the signal strength threshold (para 0049-0050). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the capability of distinguishing the touch position from the approach position in the system of Schwartz in order to facilitate recognizing the driver or the passenger who are selecting a function on the display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 7, 2005



**THUY V. NGUYEN
PRIMARY EXAMINER**